

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DNT LLC,

Plaintiff,

v.

Civil Action No.: 3:09-cv-21 (JRS)

**SPRINT SPECTRUM, LP AND NEXTEL
OPERATIONS, INC.; CELLCO
PARTNERSHIP d/b/a VERIZON
WIRELESS; T-MOBILE USA, INC.;
ALLTEL COMMUNICATIONS LLC;
and UNITED STATES CELLULAR
CORPORATION,**

Defendants.

VERDICT FORM

I. DIRECT INFRINGEMENT

1. Do you find that DNT has proven that it is more likely than not that any of Defendants' products directly infringe claim 21 of the patent-in-suit?

(Check one: YES ____ NO ☒)

If NO, then proceed to Section II.

If YES, please complete the table below:

<u>Product (Model)</u>	Put a checkmark next to those products you find to infringe:
PC3220	
PC3320	
PC5220	
PC5740	
PC5750	
EC360	
EC360A	
KPC650	
KPC680	
Merlin C201	
U630	
Merlin EX720	
Merlin S620	
Merlin S720	
Merlin XV620	
V620	
V640	
V740	
PX500	
AirCard 595	
AirCard 597E	
AirCard 402	
AirCard 550	
AirCard 510	
AirCard 580	
AirCard 555	

2. Do you find that DNT has proven that it is more likely than not that any of Defendants' products directly infringe claim 23 of the patent-in-suit?

(Check one: YES____. NO____.)

If NO, then proceed to Question 3 on the next page.

If YES, please complete the table below:

<u>Product (Model)</u>	Put a checkmark next to those products you find to infringe:
PC3220	
PC3320	
PC5220	
PC5740	
PC5750	
EC360	
EC360A	
KPC650	
KPC680	
Merlin C201	
U630	
Merlin EX720	
Merlin S620	
Merlin S720	
Merlin XV620	
V620	
V640	
V740	
PX500	
AirCard 595	
AirCard 597E	
AirCard 402	
AirCard 550	
AirCard 510	
AirCard 580	
AirCard 555	

3. Do you find that DNT has proven that it is more likely than not that any of Defendants' products directly infringe claim 24 of the patent-in-suit?

(Check one: YES ___. NO ___.)

If NO, then proceed to Question 4 on the next page.

If YES, please complete the table below:

<u>Product (Model)</u>	Put a checkmark next to those products you find to infringe:
PC3220	
PC3320	
PC5220	
PC5740	
PC5750	
EC360	
EC360A	
KPC650	
KPC680	
Merlin C201	
U630	
Merlin EX720	
Merlin S620	
Merlin S720	
Merlin XV620	
V620	
V640	
V740	
PX500	
AirCard 595	
AirCard 597E	
AirCard 402	
AirCard 550	
AirCard 510	
AirCard 580	
AirCard 555	

4. Do you find that DNT has proven that it is more likely than not that any of Defendants' products directly infringe claim 25 of the patent-in-suit?

(Check one: YES____. NO____.)

If NO, then proceed to Section II on the next page.

If YES, please complete the table below:

<u>Product (Model)</u>	Put a checkmark next to those products you find to infringe:
PC3220	
PC3320	
PC5220	
PC5740	
PC5750	
EC360	
EC360A	
KPC650	
KPC680	
Merlin C201	
U630	
Merlin EX720	
Merlin S620	
Merlin S720	
Merlin XV620	
V620	
V640	
V740	
PX500	
AirCard 595	
AirCard 597E	
AirCard 402	
AirCard 550	
AirCard 510	
AirCard 580	
AirCard 555	

II. INVALIDITY (Written Description and Enablement)

1. Did the patent-in-suit fail to contain an adequate written description of the claimed inventions? In other words, do you find that DEFENDANTS have proven by clear and convincing evidence that a person having ordinary skill in the art reading the original patent application would not have recognized that the patent application describes the full scope of the asserted claims or that the inventor did not actually possess that full scope by the filing date of the original application?

<u>Claims</u>	For DEFENDANTS	For DNT
	YES (Claim is invalid)	NO (Claim is not invalid)
Claim 21	✓	
Claim 23	✓	
Claim 24	✓	
Claim 25	✓	

2. Did the patent-in-suit fail to enable the full scope of the claimed inventions at the time the application was filed? In other words, do you find that DEFENDANTS have proven by clear and convincing evidence that a person having ordinary skill in the art reading the original patent application would not be able to make and use the full scope of the claimed invention at the time of original filing without having to conduct undue experimentation?

<u>Claims</u>	For DEFENDANTS	For DNT
	YES (Claim is invalid)	NO (Claim is not invalid)
Claim 21	✓	
Claim 23	✓	
Claim 24	✓	
Claim 25	✓	

III. INVALIDITY (ANTICIPATION)

1. Does any single prior art device or printed publication disclose every limitation of the claims of the patent-in-suit? In other words, do you find that DEFENDANTS have proven by clear and convincing evidence that any single prior art device or printed publication discloses every limitation of the claims of the patent-in-suit?

<u>Claims</u>	For DEFENDANTS	For DNT
	YES (Claim is invalid)	NO (Claim is not invalid)
Claim 21		✓
Claim 23		✓
Claim 24		✓
Claim 25		✓

IV. INVALIDITY (OBVIOUSNESS)

1. Do you find that DEFENDANTS have proven by clear and convincing evidence that the claimed inventions would have been obvious to a person having ordinary skill in the art as of March 20, 1990?

<u>Claims</u>	For DEFENDANTS	For DNT
	YES (Claim is invalid)	NO (Claim is not invalid)
Claim 21	✓	
Claim 23	✓	
Claim 24	✓	
Claim 25	✓	

V. **LACHES**

1. Do you find it is more likely than not that Taltwell LLC, Mr. Talton or his business partner Mr. Wells unreasonably delayed without justification in bringing this lawsuit? (Check one: YES ☒. NO ☐)
2. Do you find that as a result of that delay, Defendants suffered economic or evidentiary prejudice? (Check one: YES ☐. NO ☒)

VI. **MARKING**

1. Do you find it is more likely than not that unmarked products covered by the '660 Patent were sold? (Check one: YES ☐. NO ☐)
2. Do you find that it is more likely than not that Zonet was licensed to sell such products? (Check one: YES ☐. NO ☐)
3. Do you find that it is more likely than not that DNT, Taltwell LLC, Mr. Talton or his business partner Mr. Wells failed to use reasonable efforts to ensure that such products were marked with the patent number? (Check one: YES ☐. NO ☐)

VII. **INTERVENING RIGHTS**

1. Do you find it is more likely than not that the Defendants were selling products before the patent-in-suit reissued on April 16, 2002? (Check one: YES ☐. NO ☐)

If YES, please specify which ones:

<u>Product (Model)</u>	Put a checkmark next to those products which you find Defendants sold before April 16, 2002:
Merlin C201	
AirCard 550	
AirCard 510	
AirCard 555	

2. Do you find it is more likely than not that some of Defendants' products were first sold after April 16, 2002, but for which Defendants engaged in substantial preparations before April 16, 2002? (Check one: YES____. NO____.) If YES, please specify which ones:

<u>Product (Model)</u>	Put a checkmark next to those products for which you find Defendants made substantial preparation before April 16, 2002, to sell these products:
PC3220	
PC3320	
PC5220	
PC5740	
PC5750	
EC360	
EC360A	
KPC650	
KPC680	
Merlin C201	
U630	
Merlin EX720	
Merlin S620	
Merlin S720	
Merlin XV620	
V620	
V640	
V740	
PX500	
AirCard 595	
AirCard 597E	
AirCard 402	
AirCard 550	
AirCard 510	
AirCard 580	
AirCard 555	

VIII. DAMAGES

You only need to complete this section if you find that DNT has proven infringement and you find that Defendants have NOT proven that all asserted claims of the patent are invalid.

1. What is the amount of damages you have determined for infringement of the DNT patent?

Total damages relating to PC Cards \$ _____.

Total damages relating to Express Cards \$ _____.

Dated: December 14, 2009

By _____